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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,688	07/17/2003	Takashi Hanamoto	03500.017429.	9629
5514 7590 05/18/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MENBERU, BENIYAM	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/620,688	Applicant(s) HANAMOTO, TAKASHI	
	Examiner Beniyam Menberu	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/17/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 12, line 12, page 14, line 6, page 16, line 1, "rewrite" should be "rewritten".

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: s805, s806, s808-s811. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10, lines 1-2 should read "A computer-readable medium storing computer programs to execute the following steps of:"

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 4, 8, 9, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Pub. No. US 2002/0122194 A1 to Kuwata et al.

Regarding claims 1, 9, and 10 (page 2, paragraph 233), Kuwata et al discloses an image processing method comprising:
an analysis step of analyzing additional information of input image data (page 3, paragraph 39, 40, 41; "color space parameter");
a selection step of selecting a color space conversion condition from among plural color space conversion conditions including first and second color space conversion conditions, in accordance with the analyzed result (page 3, paragraph 42; page 4,

paragraph 55; sRGB or NTSC color space condition); and
a color space conversion step of converting a color space of the input image data by
using the selected color space conversion condition (page 5, paragraph 67),
wherein the first color space conversion condition and the second color space
conversion condition are used to convert input color data into a different color space
(page 3, paragraph 42).

Regarding claim 2, Kuwata et al teach all the limitations of claim 1. Further
Kuwata et al disclose an image processing method according to Claim 1, wherein a first
color space conversion of using the first color space conversion condition is a
conversion into an sRGB color space (page 5, paragraph 67).

Regarding claim 4, Kuwata et al teach all the limitations of claim 1. Further
Kuwata et al disclose an image processing method according to Claim 1, wherein the
additional information is information of indicating a photographing mode of the input
image data (page 3, paragraph 40).

Regarding claim 8, Kuwata et al teach all the limitations of claim 1. Further
Kuwata et al disclose an image processing method according to Claim 1, further
comprising a correction step of performing an image correction for the image data, to
which a color space conversion has been performed (page 5, paragraph 68).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Pub. No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6198553 to Yamamoto et al.

Regarding claim 3, Kuwata et al teaches all the limitations of claim 1. Further Kuwata et al discloses an image processing method according to Claim 1, wherein a second color space conversion of using the second color space conversion condition is a conversion into a color space wider than the sRGB color space (page 4, paragraph 55, lines 5-8). Kuwata et al discloses that the sRGB has 8 bits (page 4, paragraph 55, lines 8-9) but does not disclose that the other space (NTSC) has also 8 bits.

Yamamoto et al discloses that the other space (NTSC) has 8 bits (column 19, lines 8-14).

Kuwata et al and Yamamoto et al are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the NTSC specification of Yamamoto et al with the system of Kuwata et al to implement conversion to 8-bit color space.

The motivation to combine the reference is clear because the different color space data can both be outputted using the same 8-bit signal output.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6975437 to Takemoto.

Regarding claim 5, Kuwata et al teaches all the limitations of claim 1. However Kuwata et al does not disclose an image processing method according to Claim 1, wherein the additional information is flash information at a time of photographing the input image data.

Takemoto discloses wherein the additional information is flash information at a time of photographing the input image data (column 5, lines 50-57).

Kuwata et al and Takemoto are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the flash information of Takemoto with the system of Kuwata et al to implement addition of flash information to image data.

The motivation to combine the reference is clear because the flash information is used to specify a tone curve for the image system (column 6, lines 6-12).

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6629107 to Ouchi et al.

Regarding claim 6, Kuwata et al teaches all the limitations of claim 1. However Kuwata et al does not disclose an image processing method according to Claim 1,

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wherein the additional information is photographic object information added to the input image data.

Ouchi et al discloses wherein the additional information is photographic object information added to the input image data (column 3, lines 19-45; column 8, lines 44-65).

Kuwata et al and Ouchi et al are combinable because they are in the similar problem area of image systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the information addition of Ouchi et al with the system of Kuwata et al to implement object information in image data.

The motivation to combine the reference is clear because the system of Ouchi et al provide a method for identifying personal objects in images (column 8, lines 44-65).

Regarding claim 7, Kuwata et al teaches all the limitations of claim 6. Further Ouchi et al discloses an image processing method according to Claim 6, wherein the photographic object information is information of specifying that a photographic object is a person (column 8, lines 55-61).

Other Prior Art Cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 07-178966 to Satake discloses color conversion selection in a printer.

JP 2001-057640 to Shinoda discloses image scanning system.

US Patent Application Publication No. US 2004/0228524 A1 to Okutsu et al disclose image processor.

US Patent Application Publication No. US 2003/0067626 A1 to Ohmori et al disclose facsimile device.

US Patent No. 6980223 to Jang et al disclose color space conversion.

US Patent Application Publication No. US 2002/0093698 A1 to Kagawa discloses facsimile device with color space selection.

US Patent Application Publication No. US 2002/0080380 A1 to Sugiura et al disclose color space conversion for image processor.

US Patent No. 6563945 to Holm disclose image processing system.

US Patent No. 7057772 to Bannai disclose color space setting for communication system.

US Patent No. 6947589 to Newman et al disclose gamut transformation.

US Patent Application Publication No. US 2003/0035127 A1 to Nakami disclose image processing with color space setting.

US Patent Application Publication No. US 2003/0034986 A1 to Fukasawa discloses color transformation.

US Patent No. 5874988 to Gu discloses color adjustment system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

05/14/2007


KIMBERLY WILLIAMS
PRIMARY PATENT EXAMINER